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The Illiberal, Transphobic Pipe Dream Of Banning Porn Reaches Michigan Republicans

Free Speech

from the *insanity-in-clear-view* dept

Wed, Sep 17th 2025 03:33pm - **Michael McGrady**

It appears that the illiberal, transphobic pipe dream of banning all pornography has reached an enterprising group of far-right Christian nationalist Republicans in Michigan who want to impose the moralistic agendas of a small few on the overwhelming majority of the people.

Rep. Josh Schriver leads five other lawmakers with **the recent introduction of the Anticorruption of Public Morals Act**, known as **House Bill (HB) 4938**, to the Michigan Legislature. He presents the measure as a public decency and public safety solution to what he views as harmful speech.

The Anticorruption of Public Morals Act is as bad as it sounds. If adopted by the legislature, the bill would prohibit the distribution of depictions of sexual acts that are "real, animated, digitally generated, written, or auditory" in nature. These acts include consensual depictions of sexual behavior among one or more adults, including all forms of protected consensual expression.

This means an individual or entity that violates the provisions of the bill would be charged with a felony offense punishable by up to 20 years in prison, a fine of $100,000, or a mixture of both. Individuals and organizations that violate the bill's language that involves more than 100 pieces of "prohibited material" are guilty of the felony charge and are punishable by 25 years in prison or $125,000.

A provision in HB 4938 also restricts internet service providers in the state from implementing mandatory filtering technology to prevent all residents from accessing said "prohibited material."

This language was added to build on their definition of "circumvention tools." Rep. Schriver defines "circumvention tools" as any form of software or service designed to bypass censorship provisions. The bill explicitly highlights virtual private networks, proxy servers, or other forms of secure encryption tunneling as these "circumvention tools." Using VPNs to access prohibited material is a no-go under HB 4938.

Consider how the lawmakers define "prohibited material," too. According to the draft language, prohibited material is a form of expression, "that at common law was not protected by adoption of the First Amendment to the Constitution of the United States respecting laws abridging freedom of speech or the press." Further, these "prohibited materials" under the bill are defined:

> *"[As] depiction, description, or simulation, whether real, animated, digitally generated, written, or auditory, of sexual acts, that includes any of the following:…vaginal or anal intercourse;…fellatio or cunnilingus;…masturbation;…ejaculation or orgasm;…penetration with sexual devices;…group sex;…bondage, domination, or sadomasochism;…acts involving bodily fluids for sexual arousal;…erotic autonomous sensory meridian response content, moaning, or sensual voice content;…animated, virtual, or sexual activity generated by artificial intelligence;…depictions of characters acting or resembling minors in sexual contextsl;…[and] any other pornographic material."*

Other forms of expression that are considered "prohibited material" include:

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> *"[A] depiction, description, or simulation, whether real, animated, digitally generated, written, or auditory, that includes a disconnection between biology and gender by an individual of 1 biological sex imitating, depicting, or representing himself or herself to be of the other biological sex by means of a combination of attire, cosmetology, or prosthetics, or as having a reproductive nature contrary to the individual's biological sex."*

The only exceptions include "scientific and medical research or instruction" or "peer-reviewed academic content." Not only does Rep. Schriver attempt to define entire categories of speech as obscene and criminal, but he goes the extra step of attempting to criminalize and written or audiovisual existence of transgender, gender non-conforming, and/or gender diverse people.

He wants to criminalize forms of expression that affirm and contribute to the basic humanity of transgender people by saying that gender affirmation, socialization, and any other material related to the subject is pornographic, while also conflating such material with actual sexually explicit content that is produced for private use by adults and is widely considered *legal*.

What kind of backward ass thinking is that? Rep. Schriver is pitching a worldview so extreme that it calls for criminalizing protected forms of expression, while also wanting to institute an entire offense for speech that deals with transgender and queer subject matter.

Instead of using a position in the state legislature to accomplish something reasonable and bipartisan, Schriver's cabal intends to force further harm onto the national conversation against a class of people who are entitled to the same First Amendment rights he proudly utilizes as a member of the rising postliberal Catholic and Catholic integralism movements that feature prominent neo-fascists and (wink) **J.D. Vance**.

State Sen. Dusty Deevers of Oklahoma is the other high-profile case of a lawmaker wanting to upend the First Amendment in their state to ban pornography. Note that Deevers is an author of **"The Statement on Christian Nationalism and the Gospel."** In this statement, Sen. Deevers calls for the abolishment of divorce, abortion, non-traditionalist culture, and "evils" like pornography.

Schriver publicly joined Deevers' fan club in early 2024 when the porn ban in Oklahoma was first put to pen and paper. It hasn't passed the legislature.

Rep. Schriver **quoted a *Rolling Stone* post on X** criticizing Deevers, saying that "abortion is murder, porn is cancer, [and] divorce is a plague." If bills like HB 4938 are the future of the conservative movement, then the true obscenity isn't pornography—it's the authoritarian urge to strip people of their rights under the guise of protecting morality: No one is protected; everyone is a criminal.

Let's just hope this bill dies in committee and Schriver and his colleagues are reminded of how willfully ignorant they truly are.

Michael McGrady covers the tech and legal sides of the online porn business.

Filed Under: 1st amendment, adult content, dusty deevers, free speech, josh schriver, michigan, oklahoma, porn, public morals, vpns

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Mike Masnick: Oh interesting. I had a friend who had built something knda like that about a decade ago but it never took off

BentFranklin: Unfortunate name auditorily collides with toilet paper. Why don't people consult with semioticians on these things?

candescence: F-Droid believes that Google's new Android developer verification policy likely violates the DMA: [link]

I still can't imagine what credible reason Google has for doing it aside from locking down Android even further.

BentFranklin: Is state-sponsored political violence abbreviated SPV or SSPV?

Leah Abram: I'd go with SSPV

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08:21 Hey Brendan Carr, Try Censoring This (15)

Anonymous Coward September 17, 2025 at 3:37 pm

At what point are they going to try making a new amendment to ban porn, similar to the prohibition era?

I suppose they would try if they had a large enough majority in congress and the senate.

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[2]

Anonymous Coward September 18, 2025 at 8:44 pm

Re:

if it goes by way of COngress it will require ratification by 2/3 of the states

If they bypass Congress and use a constitutional convention the bar is raisws ro 3.4 of the states

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Everyone September 17, 2025 at 3:49 pm

Dear Re. Schriver

-censored- you!

Reply | View in chronology

Anonymous Coward September 17, 2025 at 3:51 pm

> *"[A] depiction, description, or simulation, whether real, animated, digitally generated, written, or auditory, that includes a disconnection between biology and gender by an individual of 1 biological sex imitating, depicting, or representing himself or herself to be of the other biological sex by means of a combination of attire, cosmetology, or prosthetics, or as having a reproductive nature contrary to the individual's biological sex."*

So, no Shakespeare or Monty Python either. As if I ever needed a reason to never visit Michigan.

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[2]

Bolivar diGriz (profile) September 18, 2025 at 2:13 pm

Re:

Or Aristophanes. One of his favorite characters (as in, fellow Athenians he lampooned) was gay and in that play cross-dressed to spy on the conspiring women.

05:24 The Right Wing Zealots At Sinclair & Nexstar Push Their Luck, Refuse To Put Jimmy Kimmel Back On The Air (19)

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It's getting to the point where to predict what will be permitted in the US, just ask the Taliban...

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[2]

Rocky (profile) September 19, 2025 at 9:12 am

Re:

RIP Mrs Doubtfire

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[3]

Stephen T. Stone (profile) September 19, 2025 at 9:28 am

Re: Re:

Airing or owning a copy of *Just One of the Guys* would be illegal, too.

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[4]

Rocky (profile) September 19, 2025 at 3:20 pm

Re: Re: Re:

I wonder what they would do with the several movies called Victor/Victoria based on the same story: *A woman pretends to be a man impersonating a woman*.

Would it make their brains melt? Please?

Reply | View in chronology

Anonymous Coward September 17, 2025 at 3:52 pm

Dusty Deevers awful bill was written with the understanding that it would be challenged and he wants to try to give the courts something that could be to uphold his bill in part of in full with how it was written, by basically altering Miller in a way that it would still protect content with scientific/religious/scientific/political value but change the other two guardrails so that standard internet porn would go from "generally legal" to generally illegal. This is because he is serious about getting his fellow legislators on board to try to implement a porn ban that would have the best chance of sticking.

By contrast, this awful Michigan bill, beyond being much worse, seems at least partially a PR push to drive the conversation rather than trying to make a policy with any serious thought into passing it as written, with how it doesn't even attempt to create a framework for the courts to uphold such a policy and seems to have had very little thought into the bill itself. Obviously a legislator could (and next legislative session very well may) write a bill that is just as much of a mess that could actually pass a different state legislature, but that would not be the case in Michigan, something these legislators are surely aware of when they were writing this.

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glenn September 17, 2025 at 3:56 pm

Why are they so fixated on other people's genitals? Sounds pervy to me.

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[2]

Stephen T. Stone (profile) September 18, 2025 at 6:02 am

Re:

> *Why are they so fixated on other people's genitals?*

Because they're obsessed with penises.

No, seriously, ask yourself why they care so much about trans women but not about trans men, or why their anti-queer rhetoric tends to focus on gay men. It all comes down to the penis and its symbolic representation of manhood, which—to the anti-queer crowd—must be done "correctly" or else God will send us all to Super Hell to burn alongside Jeffrey Epstein, Adolf Hitler, and Jimmy Carter.

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Stephen T. Stone (profile) September 17, 2025 at 4:06 pm

Other people can handle the rest of this garbage person's garbage bill, but I want to focus on a single—and rather telling—remark (emphasis mine):

> *Rep. Schriver quoted a Rolling Stone post on X criticizing Deevers, saying that "abortion is murder, porn is cancer, [and]* ***divorce is a plague****."*

Religious conservatives hate the idea of divorce. They hate the idea of no-fault divorce in particular because it gives women a form of agency over her own body/life by allowing a wife to end a marriage where she feels unfulfilled or unsatisfied with her partner. To those who despite divorce, marriage is meant to be a life-long commitment, for better or for worse—even (and especially) when "for worse" includes abuse of any kind.

"Divorce is a plague" speaks to the idea that a woman who enters into a marriage should be forced by law to stay in that marriage. Exceptions for physically abusive relationships would likely apply because *duh*, but given how well domestic abuse is handled in this country (spoilers: not well enough!), the chances that a woman could be beaten by her husband and still not get a divorce are dangerously high. Oh, and incidentally? Domestic violence is often cited as a predictor of violent behavior outside the home.

These right-wing fucks not only want to ban trans people from public life, they effectively want to ban cis women from effectively being able to escape abusive marriages where the evidence of abuse might come down to a "he said, she said" situation where "she" might be unwilling to talk. Power, to them, is about control—of minds, of lives, of society in general. It is about supremacy, for they are supremacists—and their quest for supremacy won't stop with porn, divorce, and trans people.

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[2]

Anonymous Coward September 17, 2025 at 5:24 pm

Re:

> *Exceptions for physically abusive relationships would likely apply because duh, but given how well domestic abuse is handled in this country (spoilers: not well enough!)*

The President recently said that crime in Washington DC is now 0% because by his definition, spousal abuse is not a crime.

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[3]

Anonymous Coward September 17, 2025 at 8:21 pm

Re: Re:

Putin playbook.

Reply | View in chronology

[2]

Anonymous Coward September 17, 2025 at 11:03 pm

Re: re: "divorce is a plague"

The surefire way to slash the divorce rate is to collapse the marriage rate.
Michigan is going to be The Bachelor State.

Reply | View in chronology

[2]

Anonymous Coward September 20, 2025 at 8:12 am

Re:

Exceptions for physically abusive relationships would likely apply because duh

Yeah, given their appetite for forcing victims of rape & incest to have to carry their attacker's fetus to term, I'm not too sure the 'duh' is implied.

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Kinetic Gothic September 17, 2025 at 4:15 pm

Well, given the vast majority of the content out there falls under the bill's parade of horrible is protected by the First Amendment, and thereby excepted under the bill's text, with the rest falling under existing obscenity statutes, It seems that this bill is aptly described by Macbeth.

> *"It is a tale told by an idiot, full of sound and fury, signifying nothing."*

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Anonymous Coward September 17, 2025 at 4:57 pm

I hope none of these legislators grandmothers or mothers read romance or I suspect that full names will be used.

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Anonymous Coward September 17, 2025 at 5:22 pm

> *depiction, **description**, or simulation, whether real, animated, digitally generated, **written**, or auditory, of sexual acts, that includes any of the following:…vaginal or anal intercourse;…fellatio or cunnilingus;…masturbation;…ejaculation or orgasm;…penetration with sexual devices;…group sex;… bondage, domination, or sadomasochism*

I must congratulate Michigan Republicans on writing what I believe is the first ever bill that would ban the publication of its own text.

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Heart of Dawn (profile) September 17, 2025 at 6:13 pm

If you have trans kids- this is going to get bad. Really bad.

Reply | View in chronology

Heart of Dawn (profile) September 17, 2025 at 6:20 pm

And before anyone starts arguing against the idea that trans kids exist;

I knew I was trans as a child, but grew up in a deeply transphobic environment that deeply traumatized me and left me feeling like a monster for decades. The only reason I'm still here is that the alternative was a mortal sin.

If this bill passes, a lot of people, especially kids are going to end up scarred for life or dead.

But sadly, too many conservatives see that as a feature not a bug.

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TasMot (profile) September 18, 2025 at 4:28 am

So much of this illegal law passing to enable censorship is by the religious crowd. When is somebody going to step up and start a Religion of Porn? I mean, once it is a religion, the religious crowd is going to be trying to make some other religion illegal.

Can you see the headlines, this religion is trying to stop that religion. It would be hilarious. Something along the lines of the “Church of the Flying Spaghetti Monster”.

Be crafty about it with worshiping the natural form of the body created in god’s image and so on. Then, all of this becomes a religious fight which (I would guess) is going to be more difficult because, in theory, they would have to be careful not to pass laws that are going to inhibit their own religion.

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[2]

Jeroen September 18, 2025 at 5:01 am

Re: Don't worry...

Don’t worry, and don’t bother, under their interpretation, The Song of Songs probably also qualifies as porn, and it is already in their Bibles (I assume, they may have ripped it out, like so many other inconvenient parts, such nonsense as turning the other cheek, etc.).

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[2]

Stephen T. Stone (profile) September 18, 2025 at 6:04 am

Re:

> *When is somebody going to step up and start a Religion of Porn?*

I’d get on my knees if my savior looked like Gianna Michaels.

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[2]

Peter September 18, 2025 at 7:06 am

Re:

The Church of the Divine Orgasm. Services at 11, picnic and orgy to follow.

Reply | View in chronology

[2]

Kinetic Gothic September 18, 2025 at 12:16 pm

Re:

> *When is somebody going to step up and start a Religion of Porn?*

Slannesh cult, you mean?

Reply | View in chronology

Jeroen September 18, 2025 at 5:06 am

Shoes are also a circumvention device

Since you can walk out of the jurisdiction using your shoes, those probably also count as a prohibited circumvention devices under this law. And don't get me started about cars, airplanes, and other means of transport that can be used to leave the area those fascists want to control. Eastern Germany back in the day had the crime of Republikflucht ("fleeing the Republic"). Don't wait for the same to be implemented in the US.

Reply | View in chronology

Kinetic Gothic September 18, 2025 at 5:45 am

Says something about how confident the MAGA cult is in their masculinity that they pass a law to keep people seeing Some Like it Hot…

Reply | View in chronology

Anonymous Coward September 18, 2025 at 6:36 am

> *"[A] depiction, description, or simulation, whether real, animated, digitally generated, written, or auditory, that includes a disconnection between biology and gender by an individual of 1 biological sex imitating, depicting, or representing himself or herself to be of the other biological sex by means of a combination of attire, cosmetology, or prosthetics,* ***or as having a reproductive nature contrary to the individual's biological sex****."*

So intersex people are literally forbidden to exist under this law, and that fact alone should make it unconstitutional even for MAGAts. Here's betting it doesn't, though.

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Anonymous Coward September 18, 2025 at 10:15 am

An american christian proposing the harshest sharia. How typically republican.

Reply | View in chronology

Anonymous Coward September 18, 2025 at 6:40 pm

Roll your own VPN.

Buy a home abroad, park a computer with VPN software on that.

A home computer in,say, Mexico, is not not subject to any American laws even if the homeowner is a U.S. citizen

They can ban VPN services, but not the protocol itself,since it is used for secure remote access, especially by business

Therefore, you can set up own encrypted relay abroad in a home you buy there, and US laws will will have no jurisdiction there.

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Anonymous Coward September 18, 2025 at 7:33 pm

One good idea is to wipe your phone before travel to Michigan since it is an asset forfeiture state

First you factory reset your phone, download an app that will totally write over all the empty space, and reset again then only download those apps you will need such as GPS apps or travel related apps

This way, if your phone is seized,forensic examination will only get bunch of jibherish that overwrote what was there.

There is no law that makes using such apps a crime.

Your never know what is on your phone,and I now use that when I go through Michigan to Canada's Wonderland.

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Anonymous Coward September 18, 2025 at 8:25 pm

One pirate IPTV provider,with about 4500 channels out of nearly 200000 could not be prosecuted under this law because they are not in the United States.

THey already only accept payment in Bitcoin, a matter of "we don't know and we don't want to know who you are"

They are in China, so American law has zero jurisdiction there. As long as they do not allow people in China to use their service, they can carry anything they want. They are licensed and pay taxes in China, so they are legal in China, and cannot be prosecuted in the United States.

Reply | View in chronology

Other Jim (profile) September 24, 2025 at 10:56 am

If no one has mentioned this

From the article:
" The only exceptions include "scientific and medical research or instruction" or "peer-reviewed academic content." "
So all the porn industry needs to do is setup scientific and academic panels to discuss porn in all forms

to classify it as research, or peer reviewed. I have to say a system were porn stars do peer review sounds spicy enough to try it anyway.

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